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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,147	12/28/2001	Young-Goo Lee	SEC.875	5226
20987	7590	10/15/2004		
VOLENTINE FRANCOS, & WHITT PLLC ONE FREEDOM SQUARE 11951 FREEDOM DRIVE SUITE 1260 RESTON, VA 20190			EXAMINER GUERRERO, MARIA F	
			ART UNIT 2822	PAPER NUMBER

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,147

Applicant(s)

LEE ET AL.

Examiner

Maria Guerrero

Art Unit

2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the Request for continued examination and the Amendment filed September 21, 2004.

Status of Claims

2. Claims 1-16 are pending.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 21, 2004 has been entered.

Priority

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 7-8, and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada (U.S. 6,242,337).

Okada shows depositing a layer on a wafer and planarizing the layer by CMP (Fig. 2E-2F, col. 4, lines 15-27). Okada discloses the resulting planarized layer comprising a uniform region of uniform thickness extending along a wafer surface and a non-uniform region of non-uniform thickness corresponding to an upper sidewall of the wafer (Fig. 2F). Okada describes coating a photoresist and exposing the non-uniform region of the planarized layer and at least a portion of the uniform region (Fig. 2G, col. 4, lines 28-35). Okada shows etching at least the exposed non-uniform region of the planarized layer and at least a portion of the uniform region, removing the photoresist, and forming a planarized pattern layer (Fig. 2G-2H, col. 4, lines 23-41).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 4-8, 10-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al. (U.S. 6,534,384) in view of Jones et al. (U.S. 6,117,778) (cited by Applicant).

Nakano et al. teaches depositing a layer on a wafer and polishing (planarizing) the layer (Fig. 2A, col. 6, lines 58-65). Nakano et al. discloses the resulting planarized layer comprising an uniform region of uniform thickness extending along a wafer surface and a non-uniform region of non-uniform thickness corresponding to an upper sidewall of the wafer (Fig. 2A). Nakano et al. discloses coating a mask and exposing the non-uniform region of the planarized layer and at least a portion of the uniform region (Fig. 1(h), col. 7, lines 1-25). Nakano et al. shows wet etching at least the exposed non-uniform region of the planarized layer and at least a portion of the uniform region, removing the mask, and forming a planarized pattern layer (Fig. 1(h)-(j), 2C-2D, col. 7, lines 1-42, col. 9, lines 1-5, 20-22). Nakano et al. teaches forming a pattern layer comprising a portion of the uniform region of the planarized layer (Fig. 1(j), 2C-2D).

Nakano et al. shows that the masking could be performed with a photoresist (Fig. 1(h), col. 9, lines 20-26).

Nakano et al. is silent about the steps of removing a portion of the coated photoresist layer and stripping the remaining portion of the coated photoresist layer. However, Jones et al. shows coating a photoresist layer on the deposited layer, removing a portion of the coated photoresist layer, stripping a remaining portion of the coated photoresist layer, and planarizing the uniform region of the deposited layer (Fig. 1B-1F, col. 4, lines 38-55).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Nakano et al. reference by including the conventional steps of removing a portion of the coated photoresist layer and stripping the remaining portion of the coated photoresist layer as taught Jones et al. because Nakano et al. suggested that a photoresist could be employed (Nakano et al., col. 9, lines 20-26). The modification would provide a process that would prevent peeling-off during device manufacturing operation and would increase the number of acceptable chips, which could be made of each wafer (Nakano et al., col. 9, lines 30-35; Jones et al., col. 2, lines 7-10).

7. Claims 3, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al. (U.S. 6,534,384) and Jones et al. (U.S. 6,117,778) as applied to claims 1-2, 4-8, 10-12 above, and further in view of Liu et al. (U.S. 6,287,961).

Regarding claims 3, 9 and 15, the combination Nakano et al. and Jones et al. does not specifically show the photoresist layer having the specific thickness as claimed. However, Liu et al. shows forming a photoresist layer having a thickness of from about 7000 to about 15000 angstroms as well known in the art (col. 9, lines 38-55).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination Nakano et al. and Jones et al. by specifying the thickness of the photoresist layer as taught Liu et al. in order to assure optimal dimensional stability (Liu et al., col. 9, lines 50-55).

Response to Arguments

8. Applicant's arguments filed September 21, 2004 have been fully considered but they are not persuasive. Claims 1-12 stand rejected. In addition, claims 1-2 and 7-8 are rejected in view of a new reference.

Applicant's arguments with respect to claims 13-16 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued that Nakano et al. does not teach planarizing the deposited layer to remove a portion of the deposited layer where the resulting planarized layer includes the uniform region of uniform thickness extending along a wafer surface and a non-uniform region of non-uniform thickness corresponding to an upper sidewall of the wafer. However, Nakano et al. shows planarizing the deposited layer to remove a portion of the deposited layer where the resulting planarized layer includes the uniform region of uniform thickness extending along a wafer surface and a non-uniform region of

non-uniform thickness corresponding to an upper sidewall of the wafer (Fig. 1g, 2A-2b, col. 6, lines 54-65).

Applicant argued that Nakano et al. does not teach coating a photoresist layer on the planarized layer. However, Nakano et al. suggested that a photoresist could be employed (Nakano et al., col. 9, lines 20-26).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., minimizing the thickness of a deposited layer remaining at a dead zone region of the wafer) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In addition, disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments. *In re Susi*, 440 F.2d 442, 169 USPQ 423 (CCPA 1971).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Furthermore, during patent examination, the pending claims must be "given *their< broadest reasonable interpretation consistent with the specification." > *In re Hyatt*, 211

F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). While the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. > In re American Academy of Science Tech Center, F.3d, 2004 WL 1067528 (Fed. Cir. May 13, 2004)(The USPTO uses a different standard for construing claims than that used by district courts; during examination the USPTO must give claims their broadest reasonable interpretation.) < This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) >; Chef America, Inc. v. Lamb-Weston, Inc., 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Guerrero whose telephone number is 571-272-1837.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 571-272-1852. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 8, 2004

Maria Guerrero
MARIA F. GUERRERO
PRIMARY EXAMINER